



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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PLANNING, ZONING, & BUILDING DEPARTMENT  
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP  
Director PZ&B

SUBJECT: ZON-23-005 (HSB-22-017) 128 SEABREEZE AVE (COMBO)

MEETING: APRIL 04, 2023

**ZON-23-005 (HSB-22-017) 128 SEABREEZE AVE. (COMBO) – SITE PLAN REVIEW AND VARIANCES.** The applicant, Jennifer Palumbo and Keith Palumbo, as Trustees of the Keith R. Palumbo 2007 Trust u/a/d August 10, 2007, have filed an application requesting Town Council review and approval for the rehabilitation of the primary residence and reconstruction of the detached two-story accessory structure with site wide landscape and hardscape improvements, including variances for (1) Cubic Content Ratio, (2) increased lot coverage, (3) decreased landscaped open space, (4) the construction of a two-story accessory structure, and (5-9) to vest non-confirming building setbacks, requiring Special Exception with Site Plan Review due to the demolition of more than 50% of the two Historically Significant structures. The Landmarks Preservation Commission will perform the design review component of the application.

**HSB-22-017 (ZON-23-005) 128 SEABREEZE AVE. (COMBO).** The applicant, Jennifer Palumbo and Keith Palumbo, as Trustees of the Keith R. Palumbo 2007 Trust u/a/d August 10, 2007, have filed an application requesting a Landmarks Preservation Commission approval for the demolition and reconstruction of a porte cochere and rear two-story accessory structure, fenestration alterations, roof alterations, and landscape and hardscape alterations for the Historically Significant property, requiring nine (9) variances for Cubic Content Ratio, increased lot coverage, decreased landscaped open space, the construction of a two-story accessory structure, and decreased building setbacks, requiring Special Exception with Site Plan Review due to the demolition of more than 50% of the two Historically Significant structures. This is a combination project that shall also be reviewed by Town Council as it pertains to the zoning relief/approval.

Applicant: Jennifer Palumbo and Keith Palumbo  
Design Professional: LaBerge & Menard Inc. (Chris Kidle)  
Representative: Chris Kidle

**HISTORY:**

The property at 128 Seabreeze Ave was constructed circa 1922 by an unknown architect and builder. This property is an example of the Mediterranean Revival style of architecture which can be found on the Sea Streets and throughout Palm Beach. Permits for various repairs and

maintenance activities have been made throughout the years, with a remodel in 1991. A variance request for a covered awning on the rear of the home was denied by Town Council in 1994. This item was originally presented at the February 17, 2023 LPC meeting and after discussion was deferred for one month with design direction provided by the Commission. Some of the commission's main concerns included incorporating a flat roof on the accessory structure, removing the French doors on the front façade, maintaining the existing arch and incorporating a front door, and adding a barrel tile awning over the French doors on the rear. The commission also suggested that the applicant should consider landmarking the property.

At the March 22, 2023 LPC meeting, the application was approved as presented (7-0) with conditions to score the arched entry way, leaving fireplace niche, and realigning windows on west elevation. The commission voted (7-0) that implementation of the variances would not cause negative architectural impact to the property.



Figure 1: Subject property location arial.

### **THE PROJECT:**

The applicant has submitted plans "128 SEABREEZE RENOVATION" as prepared by LaBerge & Menard, Inc., dated March 01, 2023.

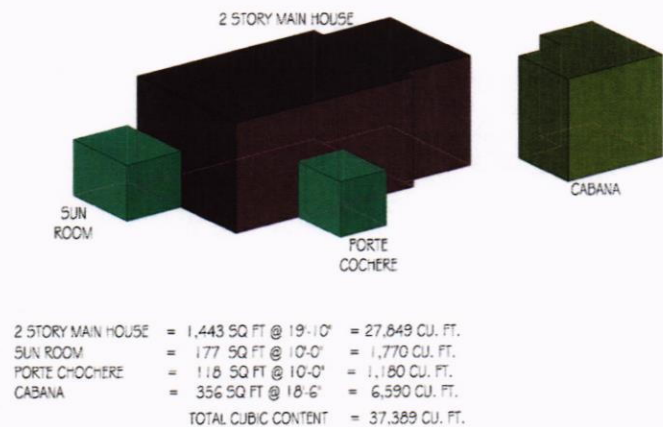
The following is the scope of work for the Project:

- Renovate existing home and garage.
- New windows and doors.
- Modifications to fenestrations.
- Demolition and reconstruction of porte cochere due to structural issues.
- Demolition and reconstruction of accessory structure due to structural issues.
- New landscape and hardscape.

The following Special Exception, Site Plan Review, and/or Variance(s) are required for the application:

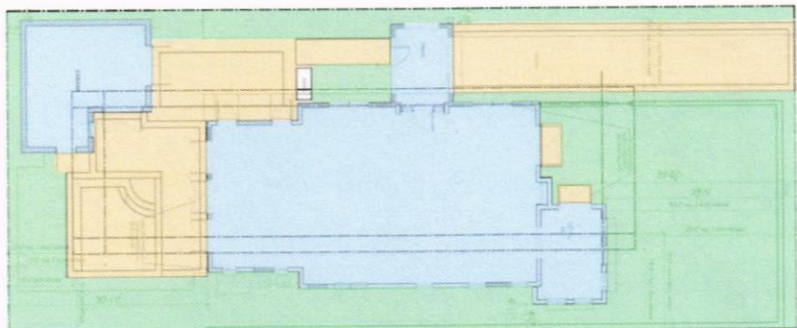
- Variance 1: Sec. 134-893(b)(13) a.1.: A variance for a Cubic Content Ratio of 6.1 in lieu of the 4.38 maximum Cubic Content Ratio allowed in the RB zoning district.

As it pertains to Variance #1, the applicant is seeking a variance to exceed the maximum allowed Cubic Content Ratio. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming. Because the applicant proposes to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a CCR variance for the proposed renovations and reconstruction of the accessory structure.



- Variance 2: Sec. 134-893(b)(11) b.: A variance for a lot coverage amount of 33% in lieu of the 30% maximum lot coverage allowed in the RB zoning district.

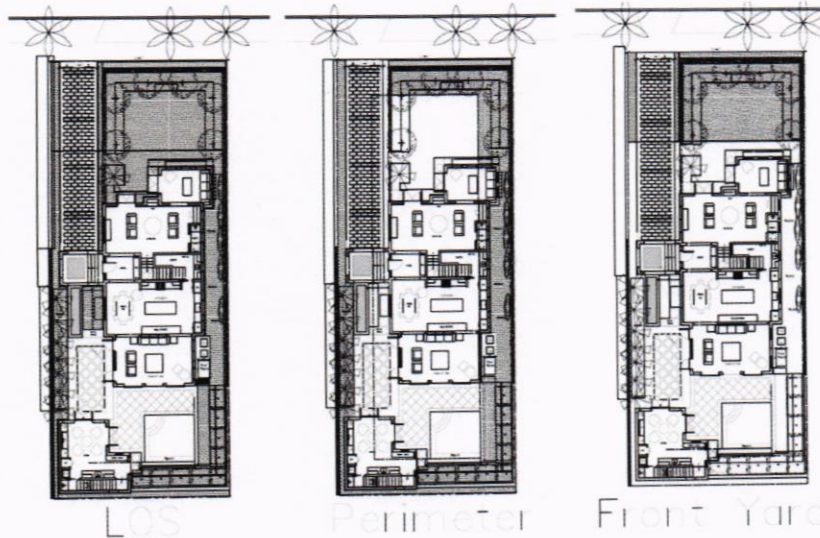
As it pertains to Variance #2, the applicant is seeking a variance to exceed the maximum amount of lot coverage allowed. This property was developed prior to



current zoning regulations and is therefore considered to be existing non-conforming. Because the applicant proposed to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a lot coverage variance for the proposed renovations and reconstruction of the accessory structure. Staff will note that according to data provided by the applicant, the proposed lot coverage is less than existing, however, still nonconforming.

- Variance 3: Sec. 134-893(b)(12) a.: A variance for landscape open space of 43% in lieu of the 45% minimum landscape open space required in the RB zoning district.

As it pertains to Variance #3, the applicant is seeking a variance to provide landscape open space which is deficient in required area. This property was developed prior to current zoning regulations and is therefore considered to be existing non-



conforming. Because the applicant proposes to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a landscape open space variance for the proposed renovations and reconstruction of the accessory structure. Staff will note that according to data provided by the applicant, the proposed landscape open space area is greater than what is existing, however, still nonconforming.

- Variance 4: Sec. 134-891(b): A variance for a 2-story unattached accessory structure in lieu of the 1 story unattached accessory structure permitted for a lot under 20,000 square feet.

As it pertains to Variance #4, the applicant is seeking a variance to reconstruct a two-story accessory structure on a lot which is less than 20,000 sq. ft. in the R-B Zoning District. . This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming with an existing two-story accessory structure. Because the applicant proposes to completely demolish the existing accessory structure, the existing nonconforming status of the structure is forfeited. Therefore, the applicant must seek a variance to reconstruct a two-story accessory structure.

- Variance 5: Sec. 134-893(b)(7) a.: A variance for a reduced one-story west side yard setback of 2'-3½" in lieu of the 12'-6" required for the one-story portion of the primary residence.

As it pertains to Variance #5, the applicant is seeking a variance for a reduced one-story side yard setback. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming. Because the applicant proposes to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a one-story side-yard setback variance to reestablish the west side yard setback after demolition and reconstruction of the porte cochere.

- Variance 6: Sec. 134-893(b)(7) b.: A variance for a reduced two-story west side yard setback of 14.6' in lieu of the 15' required for the two-story portion of the primary residence.

As it pertains to Variance #6, the applicant is seeking a variance for a reduced two-story side yard setback. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming. Because the applicant proposes to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a side yard setback variance to reestablish the existing nonconforming two-story west side-yard setback.

- Variance 7: Sec. 134-893(b)(7) b.: A variance for a reduced east side yard setback of 4' in lieu of the 15' required for the two-story residence.

As it pertains to Variance #7, the applicant is seeking a variance for a reduced two-story side yard setback. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming. Because the applicant proposes to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a side yard setback variance to reestablish the existing nonconforming east two-story side-yard setback.

- Variance 8: Sec. 134-893(b)(7) b.: A variance for a reduced west side yard setback of 1'-5" in lieu of the 15' required for a two-story accessory structure.

As it pertains to Variance #8, the applicant is seeking a variance to reconstruct a two-story accessory structure. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming with an existing two-story accessory structure. Because the applicant proposes to completely demolish the existing accessory structure, the existing nonconforming status of the structure is forfeited. Therefore, the applicant must seek a variance to reestablish the nonconforming west side-yard setback.

- Variance 9: Sec. 134-893(b)(9) b.: A variance for a reduced rear yard setback of 2'-1" in lieu of the 15' required for a two-story accessory structure.

As it pertains to Variance #9, the applicant is seeking a variance to reconstruct a two-story accessory structure. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming with an existing two-story accessory structure. Because the applicant proposes to completely demolish the existing accessory structure, the existing nonconforming status of the structure is forfeited. Therefore, the applicant must seek a variance to reestablish the nonconforming south rear-yard setback.

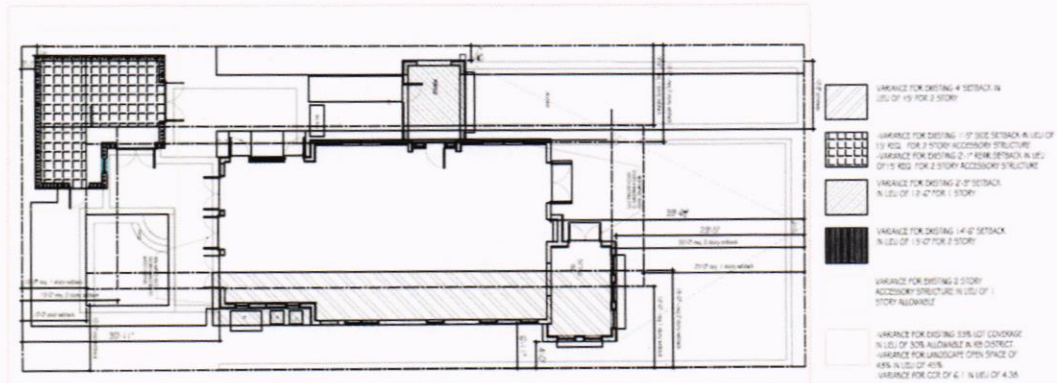


Figure 2: Variance Diagram

- **Special Exception with Site Plan Review: Sec. 134-893(c):** Special Exception with Site Plan Review for modifications to structures on existing platted lots deficient in lot area (6,125 SF in lieu of 10,000 SF) to reestablish vestments due to the demolition of more than 50% of existing structures.

As it pertains to the requested Special Exception with Site Plan Review, the applicant is seeking renovations and modifications to an existing improved parcel which is deficient in lot width and area. The proposal will result in more than 50% demolition of existing elevations and/or roof area, therefore nonconformities must be vested. The zoning code for the R-B zoning district requires that platted lots which are deficient in required lot dimensions be reviewed by the Town Council as a Special Exception with Site Plan Review.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	Required: 10,000 Sq. Ft. Existing: 6125 Sq. Ft. <b>Special Exception w/ Site Plan Review</b>	Crown of Road	12.49' NAVD
Lot Depth	122.5'	Lot Width	50'
Rear Yard Setback	Required: 10' & 15' Existing & Proposed: 2.1' (2 <sup>nd</sup> story) <b>Variance Requested</b>	Front Yard Setback	Required: 25' & 30' Existing & Proposed: 29.4' (1 <sup>st</sup> story)
Building Height	Permitted: 22' Existing: 19.8' Proposed: 19.8'	Overall Building Height	Permitted: 30' Existing: 23.7' Proposed: 24.7
Finished Floor Elevation	12.57' NAVD	Zero Datum for Point of Measurement	12.57' NAVD
FEMA Flood Zone	ZONE X	Base Flood Elevation	N/A

<b>Lot Coverage</b>	Permitted: 30% Existing: 36.9% Proposed: 33.5% <i>Variance Requested</i>	<b>Angle of Vision</b>	Maximum: 100° Existing/Proposed: 57.12°
<b>Cubic Content Ratio (CCR)</b>	Maximum: 4.38 Existing: 6.14 Proposed: 6.1 <i>Variance Requested</i>	<b>Enclosed Square Footage</b>	3,465 SF
<b>Landscape Open Space</b>	Required: 45% Existing: 41% Proposed: 43% <i>Variance Requested</i>	<b>Front Yard Landscape Open Space</b>	Required: 40% Existing: 83% Proposed: 83%%
<b>Perimeter Open Space</b>	Required: 50% (of overall LOS) Existing: 52% Proposed: 52%	<b>Amount of Fill Added to Site</b>	None
<b>Surrounding Properties / Zoning</b>			
<b>North</b>	1935 2-Story Residence / R-B Zoning		
<b>South</b>	1923 2-Story Residence & 1925 2-Story Residence / R-B Zoning		
<b>East</b>	1927 2-Story Residence / R-B Zoning		
<b>West</b>	1925 2-Story Residence / R-B Zoning		

### **STAFF ANALYSIS**

The application is presented to the Council to consider whether all the criteria in sections 134-229, 134-329, and 134-201 have been met. A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the above-mentioned sections of the Town zoning code.

As demonstrated in the chart above, the site exists with several nonconforming elements. Because the subject application proposed to demolish more than 50% of a proposed roof area or wall elevation, the zoning code mandates that the site comes into compliance with current regulations. Due to the existing nonconformities, the applicant is seeking variance requests and special exception with site plan review to establish the existing nonconforming aspects of the site.

The subject application proposes renovate, repair, and modify the existing Historically Significant Building residence. The applicant seeks to demolish and reconstruct the existing porte cochere to match the existing conditions, citing wood rot and termite damage as causing the need to do so. The existing flat portion of the roof is proposed to be replaced with a hip roof with barrel tile. Modifications to fenestration are proposed throughout the main house and guest house, with existing units to be replaced with impact rated units. The applicant also seeks to demolish and rebuild the existing garage/guest house structure in its existing footprint (eliminating the garage), also due to wood rot and termite damage.

Responding to the comments of the LPC commission, the applicant returned with modifications to the previously proposed plan. At the front elevation, the shed roof entry is now proposed to remain with the incorporation of a new front door with arched transom; the muntins at the one-story

projection have been modified as well. At the porte cochre, the applicant has revised the style of the gate. At the detached cabana structure, the windows front/north façade have been modified and the door has been changed to reflect the style of a historic carriage door. On the east and west elevations of the main structure, slight modifications have been made to fenestration size and location and muntin patterns. On the south elevation, an aluminum painted trellis is proposed above the French doors at the swimming pool. The application was approved by the Landmarks Preservation Commission (7-0) for design and (7-0) for variance recommendations.

Approval of the project will require two separate motions to be made by Town Council: (1) for the Special Exception with Site Plan Review, and (2) for the granting of the variances.

WRB:JGM:BMF